

THE HONORABLE RICHARD A. JONES
THE HONORABLE MARY ALICE THEILER

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VICKY CORNELL, individually, and in
her capacity as the Personal Representative
of the Estate of Christopher John Cornell
a/k/a Chris Cornell,

Plaintiffs,

v.

SOUNDGARDEN, a purported
Washington General Partnership, KIM A.
THAYIL, MATT D. CAMERON,
HUNTER BENEDICT SHEPHERD, RIT
VENERUS and CAL FINANCIAL
GROUP, Inc.,

Defendants.

No. 2:20-cv-01218-RAJ-MAT

STIPULATED MOTION AND ~~[PROPOSED]~~
ORDER GRANTING MOTION
REGARDING PLEADINGS AND MOTIONS

**NOTE FOR MOTION CALENDAR:
DECEMBER 17, 2020**

In connection with the briefing on Defendants' two pending motions to dismiss (Dkt. Nos. 128 & 130), the Parties to the above-captioned action have discovered and agreed that there is an erroneous allegation contained in Paragraph 121 of Plaintiffs' First Amended Complaint (Dkt. No. 123), which should be corrected for factual accuracy. Additionally, while Plaintiffs dispute Defendants' contention that their equitable accounting claim is moot, Plaintiffs agree that the claim can be dismissed because, as a practical matter, Plaintiffs can secure the necessary accounting materials through discovery. (*See* Dkt. No. 128 at 11 & Dkt. No. 131 at 3 n.2.)

1 Accordingly, the Parties hereby stipulate that Plaintiffs shall replace the First Amended
2 Complaint with a Second Amended Complaint that (1) removes the second sentence of
3 paragraph 121 of the First Amended Complaint, and (2) deletes Count III (Equitable Accounting)
4 of the First Amended Complaint, which is to be dismissed with prejudice. Attached hereto as
5 Exhibit 1 is a proposed Second Amended Complaint, redlined to reflect the Parties' proposed
6 changes from the complaint of record.

7 The Parties further stipulate that Defendants will file Notices to Withdraw Pending
8 Motions to Dismiss, pursuant to LCR 7(l), thereby withdrawing Docket Nos. 128, 129, 129-1,
9 129-2, 130, and 130-1, and mooted Docket Nos. 131, 132, 133, and 134. The Parties further
10 stipulate that Defendants may file renewed motions to dismiss no later than fourteen (14) days
11 after Plaintiffs file the Second Amended Complaint, following entry of the Court's order on this
12 stipulation.

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14 **IT IS SO ORDERED:**

15 DATED this 17th day of December, 2020.

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18 Mary Alice Theiler
19 United States Magistrate Judge
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Presented by:

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